

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LISANDRO QUINTANILLA,

Plaintiff,

vs.

GOLDEN ENTERTAINMENT, *et al.*,

Defendants.

Case No.: 2:22-cv-02117-GMN-NJK

ORDER

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 3), of United States Magistrate Judge Nancy J. Koppe, which recommends dismissing the case without prejudice. Also pending before the Court is the Motion/Application for Leave to Proceed *in forma pauperis*, (ECF No. 1), filed by Plaintiff Lisandro Quintanilla.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. L. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. L. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, Plaintiff filed a Response to the R&R, (ECF No. 4). But Plaintiff’s Response does not address the reasoning of the R&R. Rather, Plaintiff’s Response re-states the facts alleged in

1 the Complaint. (*Compare* Resp. to R&R, ECF No. 4, *with* Compl., ECF No. 1-1). Thus, the
2 Court need not conduct review of the R&R.

3 Moreover, even if the Court could liberally construe *pro se* Plaintiff's Response as a
4 proper objection to the R&R, the Court would nonetheless accept the R&R in full. On January
5 1, 2023, Magistrate Judge Koppe entered an Order to Show Cause instructing Plaintiff to
6 demonstrate the basis for federal jurisdiction of this matter in writing no later than January 24,
7 2023. (OSC, ECF No. 2). Plaintiff did not comply with the Magistrate Judge's Order. Having
8 reviewed the Complaint, the Court agrees with the Magistrate Judge's recommendation that the
9 Complaint be dismissed because Plaintiff has not provided a basis for the Court to exercise
10 jurisdiction. Accordingly,


11 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 3), is
12 **ACCEPTED and ADOPTED** in full.

13 **IT IS FURTHER ORDERED** that the Motion/Application for Leave to Proceed *in*
14 *forma pauperis*, (ECF No. 1), is **DENIED as moot**.

15 **IT IS FURTHER ORDERED** that the case is **DISMISSED** without prejudice to its
16 refiling in an appropriate venue.

17 **IT IS FURTHER ORDERED** that the Clerk of Court is instructed to close the case.

18 Dated this 13 day of July, 2023.

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21 _____
22 Gloria M. Navarro, District Judge
23 United States District Court
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